

- (a) trehalose-6-phosphate synthase; and
- (b) maltooligosyltrehalose synthase.

Applicant has elected the trehalose-6-phosphate synthase for initial examination purposes only.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. MPEP §803.

Applicant respectfully traverses the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups.

Further, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicant submits that a search of all claims would not constitute a serious burden on the Office.

Applicant makes no statement regarding the patentable distinctness of the species, but note that for a restriction to be proper, there must be patentable difference between the species as claimed. MPEP §808.01(A). The Office has not provided any reasons or examples to support a conclusion that the species are indeed patentably distinct. Accordingly, Applicants respectfully submit that the Restriction is improper, and Applicant's election of species is for examination purposes only. With respect to the elected species,

Applicant respectfully submits that, should the elected species be found allowable, the Office should expand a search to the non-elected species.

Applicants respectfully submit that should the elected group be found allowable, the corresponding non-elected process claims should be rejoined (MPEP §821.04).

Applicant submits that the application is now in condition for examination on the merits. Early notification of such is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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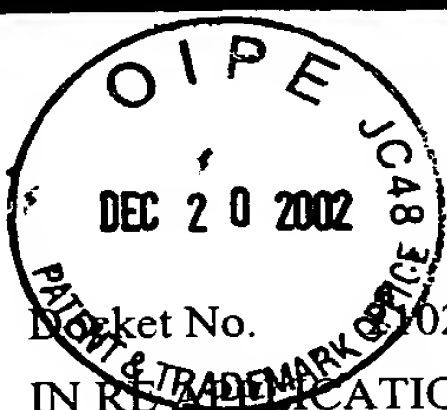
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Market No. 0213US0

IN RE APPLICATION OF: Hiromi OHTAKI, et al.

SERIAL NO: 09/895,382

FILED: July 2, 2001

FOR: BACTERIUM PRODUCING L-GLUTAMIC ACID AND METHOD FOR PRODUCING L-GLUTAMIC ACID

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ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Transmitted herewith is an amendment in the above-identified application.

- ☒ No additional fee is required
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
- ☒ Additional documents filed herewith: Request for Extension of Time (Two-Months)

The Fee has been calculated as shown below:

| CLAIMS | CLAIMS REMAINING | | HIGHEST NUMBER PREVIOUSLY PAID | NO. EXTRA CLAIMS | RATE | CALCULATIONS |
|-------------|---------------------|--|---|------------------------|-----------|--------------|
| TOTAL | 12 | MINUS | 20 | 0 | x \$18 = | \$0.00 |
| INDEPENDENT | 3 | MINUS | 3 | 0 | x \$84 = | \$0.00 |
| | | <input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS | | | + \$280 = | \$0.00 |
| | | TOTAL OF ABOVE CALCULATIONS | | | | \$0.00 |
| | | <input type="checkbox"/> Reduction by 50% for filing by Small Entity | | | | \$0.00 |
| | | <input type="checkbox"/> Recordation of Assignment | | | + \$40 = | \$0.00 |
| | | TOTAL | | | | \$0.00 |

- ☒ A check in the amount of **\$ 400.00** is attached.
- ☒ Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- ☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

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